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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,784	07/30/2001	Rodney Perkins	RJENK22.001A	7506

20995 7590 09/22/2004

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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,784

Applicant(s)

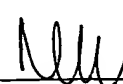
PERKINS, RODNEY

Examiner

Cristina Owen Sherr

Art Unit

3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to the amendment filed June 11, 2004.

Claims 1-8 have been canceled.

2. Claims 9-30 are newly added in this case. Claims 9-30 are currently pending in this case.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse et al (US 6,398,245/131) in view of Downs et al (US 6,226,619/131).

6. Regarding claims 9, 27, 28, 29, 30 -

Gruse discloses a data transfer system comprising a sender facility; a receiver facility and a key facility; the sender facility having means for encrypting data for the intended recipient, means for splitting the data into encrypted parts such that no part is decryptable on its own, means for encrypting at least one of the parts for a third party to produce a further encrypted part, means for combining the further encrypted part and the remaining

encrypted part to produce a data block and means for sending the data block, the receiver facility having means for receiving the data block, means for requesting decryption of the further encrypted part by the key facility which has means for decrypting the further encrypted part and means for sending it to the receiver facility and the receiver facility also having means for decrypting the encrypted part and the decrypted further encrypted part provided by the key facility (Col 6 ln 23-56).

7. Regarding claims 10, 17, 24 -

Gruse discloses a system as claimed in claim 1 in which the sender facility includes means for signing the data block (col 13 ln 10-16).

8. Regarding claim 11, 18, 25 -

Gruse discloses a system as claimed in claim 1 or 2 in which the means for sending at the sender facility are arranged to send the data block to the key facility and the key facility includes means for receiving the data block and forwarding the said block to the receiver facility (col 13 ln 22-33).

9. Regarding claims 12, 1, 26 -

Gruse discloses a system as claimed in claim 3 in which the key further includes means for logging receipt of the data block facility (col 13 ln 45-59).

10. Regarding claims 13, 20 -

Gruse discloses a system as claimed in claim 1 or 2 in which the means for sending at the sender facility are arranged to send the data block to the receiver facility and the receiver facility includes means for receiving the data block (col 15 ln 4-27).

11. Regarding claims 14, 21 -

Downs discloses a system in which the key facility further includes means for logging receipt of the further encrypted part (col 82 ln 40 - col 83 ln 25).

12. Regarding claims 15, 22 -

Downs discloses a system as claimed in which the key facility includes means for logging receipt of the request for decryption of the further encrypted part as proof of delivery of the block to the receiver facility (col 83 ln 2-25).

13. Regarding claim 16, 23 -

Downs discloses a system in which the sender facility includes means for requesting proof of delivery information from the key facility (Col 83 ln 16-25).

14. It would be obvious to a practitioner of ordinary skill in the art to combine the teachings of Gruse and Downs in order to obtain greater security in data transfer along with greater economy.

15. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

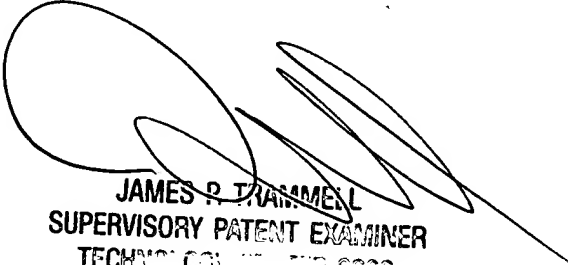
**Conclusion**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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